

Panaji, 11th April, 1974 (Chaitra 21, 1896)

SERIES I No. 2

OFFICIAL GAZETTE

GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

Notification

OSD/RRVS/15/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter no. F.7(11)/62-Goa dated the 25th July 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules relating to the recruitment to the Class III posts of Junior Deckhands-cum-net mender and Welder in the Directorate of Fisheries under the Govt. of Goa, Daman and Diu.

1. **Short title.** — These rules may be called Goa Government, Directorate of Fisheries, Class III (non-ministerial non-gazetted) posts Recruitment Rules, 1974.

2. **Application.** — These rules shall apply to the posts specified in column 1 of the Schedule to these rules.

3. **Number, classification and scale of pay.** — The number of posts, classification of the said posts and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.** — The method of recruitment of the said posts, age limit, qualifications and other matters

connected therewith shall be as specified in columns 5 to 13 of the aforesaid Schedule.

Provided that,

- (a) the maximum age limit specified in the Schedule in respect of direct recruitment may be relaxed in the case of candidates belonging to the Scheduled Castes and Scheduled Tribes and other special categories in accordance with the orders issued by the Government from time to time; and
- (b) no male candidate, who has more than one wife living and no female candidate, who has married a person having already a wife living, shall be eligible for appointment, unless the Government, after having been satisfied that there are special grounds for doing so, exempts any such candidate from the operation of this rule.

5. These rules will come into effect from the date of the Notification and will relate to appointments to the various posts made on or after this date. An appointment made prior to this date through a duly constituted Staff Selection Board/Departmental Promotion Committee will be deemed to be a regular appointment, notwithstanding any provisions contained in these rules, and the probation period in that case will extend to six months only from the date of this notification.

T. Kipgen
Chief Secretary

Panaji, 23rd February, 1974.

SCHEDULE

Name of the post	No. of posts	Classification	Scale of Pay	Whether Selection Post or non-Selection Post	Age for direct recruits	Educational and other qualifications required for direct recruits	Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation, if any	Method of recruitment whether by direct recruitment or by promotion or by deputation/transfer, and percentage of the vacancies to be filled by various methods	In case of recruitment, by promotion/deputation/transfer, grades from which promotion/deputation/transfer is to be made	If a DPC exists, what is its composition	Circumstances in which U. P. S. C. is to be consulted in making recruitment
1	2	3	4	5	6	7	8	9	10	11	12	13
1. Junior Deckhand-cum-net mender	Six	Class III Non-ministerial Non-Gazetted.	Rs. 100-5-130.	Selection	Below 30 years	<i>Essential:</i> Experience in net making and net mending. <i>Desirable:</i> i. Certificate in Fisheries Training. ii. Knowledge of Konkani and/or Marathi/Gujarati.	Age: N.A. Qualifications: Yes	Two years	Promotion failing which by direct recruitment.	<i>Promotion:</i> Deckhands-cum-Fisherman with 3 years service in the grade failing which Fishermen with 3 years service in the grade.	Class III D.P.C.	As required under the rules.
2. Welder	One	— do —	Rs. 110-3-131-4-155	N. A.	— do —	<i>Essential:</i> I.T.I. Certificate course of the Trade from any recognised Institution, with knowledge of electric and gas welding. <i>Desirable:</i> Knowledge of Konkani and/or Marathi/Gujarati.	N. A.	— do —	Direct recruitment.	N. A.	N.A.	— do —

Notification

OSD/RRVS/34/66

In exercise of the powers conferred by the proviso to article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25th July, 1963, the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government Assistant Conservator of Forests (Sub-Divisional Forest Officer) gazetted posts Recruitment Rules, 1966 issued under Notification dated 24th December, 1966 and published in the Government Gazette Series I, No. 43 dated 27th January, 1967 namely:—

1. **Short title and commencement.**— (i) These rules may be called the Goa Government, Assistant Conservator of Forests (Sub-Divisional Forest Officer) Class II Gazetted posts Recruitment (First Amendment) Rules, 1974.

(ii) They shall come into force at once.

2. In the Schedule attached to the said notification:

(a) for the existing entry in column 8 substitute:

“Age: No.

Educational Qualifications: To the extent mentioned under column 11.”

(b) for the existing entry in column 11 substitute:

“Promotion: Range Forest Officers with 5 years service in the grade and possessing Diploma of Forest Ranger from Forest Ranger's College, Coimbatore or Dehra Dun or equivalent.”

By order and in the name of the Administrator of Goa, Daman and Diu.

M. K. Bhandare, Deputy Secretary (Appointments).

Panaji, 25th March, 1974.

Home Department (General)

Notification

HD(G)-44-32/71

In continuation of Government's Notification No. HD-44-32/71-A dated 18-8-1971 and in exercise of the powers conferred by Section 34 of the Police Act, 1861, the Lieutenant Governor of Goa, Daman and Diu hereby specially extends the provisions of section 34 of the said Act to the areas of the villages of Anjuna, Vagator, Chapora, Marmagao Har-mol, Candolim, Aguada, Siridao, Collem, Bena-ulim, Assolna, Velim, Reis Magos, Vernem, Corlim, St. Jose Areal, Colvale, Banastari, Mardol, Old-Goa, Goa-Velha, Agacaim, Cortalim, Assolna, Dramapur, Majorda, Cansaulim, Verna, Curtorim, Raia, Maca-

zana, Chandor, Orlim, Carmona, Shiroda, Ponda, Panchawadi, Borim, Chorao, Divar, St. Estevam, Siolim, Tivim, Assnora, Mangueshi, Baga and Betul in this Union Territory with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 22nd March, 1974.

Urban Development Department

Notification

3-98-70-LSG(Part I)

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Municipalities (Common Cadre of Chief Officer) Rules, 1970 is hereby published for general information. Notice is hereby given that the said draft amendment will be taken into consideration on the expiry of fifteen days from the date of publication of this notification in the Official Gazette.

2. All objections and suggestions regarding the draft amendment may be sent to the Under Secretary to the Government of Goa, Daman and Diu, Urban Development Department, Secretariat, Panaji before the expiry of fifteen days from the date of publication of this Notification in the Official Gazette, so that they may be taken into consideration at the time of finalisation of the proposed amendment.

DRAFT AMENDMENT

In exercise of the powers conferred by Section 306 read with sub-section (6) of Section 72 of the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) and all other powers enabling him in this behalf, the Lt. Governor of Goa, Daman and Diu hereby amends the Goa, Daman and Diu Municipalities (Common Cadre of Chief Officers) Rules, 1970 (hereinafter referred to as the “principal Rules”) as follows, namely:—

Amendment to Rule 4 of the Principal Rules.— For clause (b) of Rule 4 of the Principal Rules, the following shall be substituted, namely:—

“(b) The posts of Chief Officers of Class II to be filled in by transfer on deputation of suitable officers of the rank of Head Clerks in the Government offices other than the Secretariat or Extension Officers (Village Panchayats) or Extension Officers (Co-operation) in the Block Development Offices”.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

F. A. Figueiredo, Under Secretary (Revenue).

Panaji, 18th March, 1974.

Law and Judiciary Department

Corrigendum

LD/1057/74

In the Central Sales Tax (Registration and Turnover) (Second Amendment) Rules, 1973, published in the Official Gazette, Series I, No. 49 dated 8-3-1974 on pages 511, 512 the words as mentioned, shall be read as follows:—

1. In sub-rule (1) of rule 1

(i) In paragraph 1 line 2, the word Turnover read "Turnover".

(ii) In rule 3 of rule 1 in the fifth line the word "good" read "goods".

M. S. Borkar, Under Secretary (Law).

Panaji, 19th March, 1974.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

Notification

LA/B/7/686/74

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 5th April, 1974 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Agricultural Tenancy
(Amendment) Bill 1974

(Bill no. 9 of 1974)

A
BILL

further to amend the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (7 of 1964).

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-fifth Year of the Republic of India as follows:

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Agricultural Tenancy (Amendment) Act, 1974.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964 (hereinafter referred to as the principal Act) —

(i) in Explanation 2 of clause (7) after the words "or a serving member of the Defence Forces" the words "or a seaman shall be inserted;"

(ii) after clause (20), the following clause (20A) shall be inserted namely:—

"(20A) 'seaman' means a person including a master, pilot or apprentice, employed or engaged as a member of the crew of a ship or sailing vessel to which the Merchant shipping Act, 1958 (Central Act 44 of 1958) applies;"

3. *Amendment of section 6.*— In section 6 of the principal Act, in item (iii), after the words "or a serving member of the Defence Forces" the words "or a seaman", shall be inserted.

4. *Amendment of section 10.*— In section 10 of the principal Act, —

(i) in sub-section (1), items (iv) and (v) shall be deleted;

(ii) sub-section (3) and (4) shall be deleted.

5. *Amendment of Section 11.*— In section 11 of the principal Act, in sub-section (3), after the words "or is a serving Member of the Defence Forces" the words "or is a seaman" shall be inserted.

6. *Amendment of section 15.*— In sub-section (2) of section 15 of the principal Act, in clause (a), after the words "or a serving member of the Defence Forces" the words "or a seaman" shall be substituted.

7. *Amendment of section 20.*— In section 20 of the principal Act, in sub-section (3),

(i) after the words "or a person serving in the Defence Forces" the words "or a seaman" shall be inserted;

(ii) in clause (a), after item (iii) the following item (iv) shall be added namely:—

"(iv) in the case of a seaman, he ceases to be a seaman; and"

Statement of Objects and Reasons

The Goa, Daman and Diu Agricultural Tenancy Act, 1964 seeks to regulate the private relationship between landlord and tenant of agricultural land. However, the provisions of section, 10, now sought to be deleted, vest in the Government powers which amounts in substance, to compulsory requisition of property and such powers are entirely extraneous to the scheme and purposes of the Act.

Seamen are persons who are compelled to absent themselves from cultivation of their land in order to earn a livelihood. They are generally small landholders. It is fair and in the fitness of things, that they should be granted the protection available to the categories of persons, mentioned in section 2(7) Explanation 2 and subsequent sections now sought to be amended.

Panaji,
18th March, 1974.

EDUARDO FALEIRO
M. L. A.

Panaji,
Assembly Hall,
23rd March, 1974.

B. M. MASURKAR
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

(Annexure to Bill no. 9 of 1974)

The Goa, Daman and Diu Agriculture Tenancy (Amendment) Bill, 1974

The Goa, Daman and Diu Agriculture Tenancy Act, 1964

(Act No. 7 of 1964)

2(7) «to cultivate personally» means to cultivate land on one's own account —

- (i) by one's own labour, or
- (ii) by the labour of any member of one's family, or
- (iii) under the personal supervision of oneself of any member of one's family, by hired labour or by servants on wages payable in cash or kind but not in crop share;

Explanation 1—For the purpose of clause (iii) personal supervision shall not be deemed to exist unless the person or member resides in the villages in which land is situated or in any nearby village within 7 kilometres thereof, during the major part of an agricultural season.

Explanation 2—A widow or a minor or a person who is subject to physical or mental disability or a serving member of the Defence Forces shall, notwithstanding anything contained in Explanation 1, be deemed to cultivate any land personally if such land is cultivated by servants or by hired labour or through tenants.

Explanation 3—Notwithstanding anything as aforesaid, in the case of a joint family, land shall be deemed to be cultivated personally, if it is so cultivated by any member of such family otherwise than by virtue of Explanation 2.

Explanation 4—In the case of a company, association or other body of individual, whether incorporated or not, or a religious, charitable or other institution capable of holding property, any land shall be deemed to be cultivated personally, if such land is cultivated by hired labour or by servants under the personal supervision of an employee or agent of such company, association, body or institution;

6. *Explanations.*—For the purposes of sections 4 and 5—

(i) where the person who lawfully cultivated the land on the relevant date is, on or before the date of coming into force of this Act, dead, his legal representative or where there are more than one legal representative all of them jointly shall be entitled to the same rights and subject to the same obligations as the deceased person;

(ii) where any land is held by two or more persons jointly as tenants, all such persons shall, if any one of them cultivated and continues to cultivate such land personally, be deemed to be tenants in respect of such land;

(iii) where any land is cultivated by a widow or minor or a person who is subject to physical or mental disability or a serving member of the Defence Forces, through a tenant then, notwithstanding anything contained in Explanation (2) to clause (7) of section 2, such tenant shall be deemed to be a tenant.

10. *Surrender by Tenant.*—(1) Any tenant may surrender his right of tenancy in respect of any land to the landlord and thereupon the tenancy in respect of that land shall stand terminated if the following conditions are satisfied:

- (i) the surrender is made at least one month before the commencement of the year;
- (ii) it is made by the tenant in writing and is admitted by him before the Mamlatdar;
- (iii) it is made voluntarily and in good faith to the satisfaction of the Mamlatdar;
- (iv) it is approved by the Mamlatdar; and
- (v) the conditions in clauses (a) to (d) of sub-section (4) of section 20 are satisfied.

(2) Where the land is cultivated jointly by joint tenants or members of a joint family, the surrender, unless it is made by all of them, shall be ineffective in respect of such joint tenants or members, as the case may be, as have not joined in the application for surrender.

(3) Where the Mamlatdar is of opinion that the conditions mentioned in sub-section (1) are not satisfied, he may, after giving a reasonable opportunity to the landlord to show cause against taking action under this sub-section, and holding such enquiry as he may,—

- (i) refuse to approve the surrender, or
- (ii) submit the case to the Government for orders under the next sub-section.

(4) Where a case is submitted under the preceding sub-section, the Government may, by order, transfer the tenancy right to any other person, including a Comunidade, a Co-operative Society or a Panchayat, who, in its opinion, is a fit and proper person to be a tenant, and thereupon such other person shall be deemed to be a tenant for the purposes of this Act.

11. *Termination of tenancy by landlord.*—(1) The landlord may terminate a tenancy on the ground that the tenant:

- (a) has failed to pay the rent for any period on or before the date or date fixed by or under this Act, or
- (b) has done any act which is destructive or permanently injurious to the land, or
- (c) has sub-divided, sub-let, or assigned any interest in the land, otherwise than as permitted under sections 14 and 15, or
- (d) has failed to cultivate the land personally, or
- (e) has used such land for a purpose other than agriculture.

(2) No tenancy of any land held by a tenant shall be terminated on any of the grounds mentioned in this section unless the landlord gives at least ninety days notice in writing to the tenant intimating his decision to terminate the tenancy and the ground for such termination and unless within that period the tenant has failed to remedy the breach for which the tenancy is liable to be terminated:

Provided that where the said breach occurs for the second time the tenant shall be liable to pay to the landlord by way of penalty a sum equal to 50 per cent of the rent payable for that season for the land in relation to which the breach has occurred;

Provided further, that where a breach of the same kind occurs on more than two consecutive occasions no such notice as is referred to above shall be necessary and the landlord shall be entitled to straightaway make an application to the Mamlatdar under sub-section (4).

(3) The tenancy of a tenant who is a minor, or is subject to physical or mental disability, or is a serving Member of the Defence Forces shall not be terminated on the ground only that the land comprised in the tenancy has been sub-let by or on behalf of such tenant.

(4) Whether the landlord after the expiry of the period of notice, if any, mentioned in sub-section (2) decides to terminate the tenancy under this section, he shall within such time as may be prescribed apply to the Mamlatdar for permission to do so and the Mamlatdar may accord permission or, if he considers it necessary for reasons to be recorded in writing and after considering the objections, if any, of the landlord, submit the case to the Government for orders under sub-section (4) of section 10.

15. *Sub-division, sub-letting and assignment prohibited.*—

(1) Save as otherwise provided in this Act, no sub-division or sub-letting of the land held by a tenant or assignment of any interest therein shall be valid.

(2) Notwithstanding anything in sub-section (1), it shall be lawful for a tenant:—

(a) who is a widow, minor or a person subject to any physical or mental disability, or a serving member of the Defence Forces to sub-let such land held by her or him as a tenant, or

(b) who is a member of a Co-operative Society and as such member to sub-let, assign, mortgage or to create a charge on his interest in the land in favour of such Society.

(3) Notwithstanding anything contained in sub-section (1), it shall also be lawful for a tenant to mortgage or create a charge on his interest in the land in favour of the Government or of a Co-operative Society, in consideration of a loan advanced to him by the Government or the Co-operative Society, as the case may be and without prejudice to any other remedy open to the Government or the Co-operative Society, as the case may be, in the event of his making default in payment of such loan in accordance with the terms on which such loan was granted it shall be lawful for the Government or the Co-operative Society, as the case may be, to cause his interest in the land to be attached and sold and the proceeds to be applied in payment of such loan.

20(3) Whether the landlord is a minor, or a widow with a life interest or a person serving in the Defence Forces or a person subject to any physical or mental disability, then, if he has not given a notice and made an application as required by sub-section (2), such notice may be given and such application may be made —

(a) by the landlord within one year from the date on which —

(i) in the case of a minor, he attains majority;

(ii) in the case of a person serving in the Defence Forces, he ceases to serve in such Forces, and

(iii) in the case of a person subject to physical or mental disability, he ceases to be so subject; and

(b) in the case of a widow with a life interest, by the successor in title within one year from the date on which the widow's interest in land ceases to exist:

Provided that where land is held by two or more joint holders, the provisions of this sub-section shall not apply, if at least one joint holder is outside the categories specified in this sub-section:

Provided further that in cases coming under sub-clause (ii) of clause (a), the provisions of sub-sections (4) and (5) shall not apply.

Assembly Hall,
Panaji,
23rd March, 1974.

B. M. MASURKAR
Secretary to the Legislative Assembly
of Goa, Daman and Diu.